Council of the European Union

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CH 15

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union programmes

Pages EU/CH/en 13 and EU/CH/en 41 shall be replaced by the attached pages.

(f) "Swiss entity" means any type of entity, whether a natural person, legal person or another type of entity, which may participate in activities of a Union programme or activity in accordance with the basic act and who resides in Switzerland or which is established in Switzerland under Swiss law.

ARTICLE 3

Establishment of participation

1. Switzerland shall participate in, and contribute to, the Union programmes or activities, or parts thereof, which are opened to the participation of Switzerland in accordance with the basic acts referred to, and covered by the protocols to this Agreement.

2. For each new multiannual financial framework (hereinafter referred to as "MFF"), after the basic acts establishing the Union programmes have entered into force and provided that those Union programmes are open to the participation of third countries including Switzerland, the Joint Committee established by Article 16 of this Agreement (hereinafter referred to as the "Joint Committee") shall discuss the seamless continuity of the cooperation established by this Agreement before the submission of a letter expressing Switzerland's intention to participate in a Union programme.

3. The specific terms and conditions for the participation of Switzerland in any particular Union programme or activity, or parts thereof, shall be laid down in the protocols to this Agreement. The protocols to this Agreement may be amended by the Joint Committee.

ARTICLE 19

Suspension

1. The application of a protocol to this Agreement may be suspended by the Union in relation to a Union programme or activity, or part thereof:

(a) if Switzerland fails to fulfil its obligations under Article 5(1), and such failure has a significant impact on the implementation of that programme or activity, or part thereof;

(b) in the case of partial or full non-payment of the financial contribution due by Switzerland under that programme or activity.

In the case of non-payment which may significantly jeopardise the implementation and management of a Union programme or activity, the European Commission shall send a formal letter of reminder. Where no payment is made within 20 working days after the receipt of that formal letter of reminder, suspension of the application of the relevant protocol to this Agreement shall be notified by the European Commission to Switzerland by a formal letter of notification which shall take effect 15 days following the receipt of that notification by Switzerland;

(c) in the cases provided for in Article 16 of the Agreement on Health as regards the participation of Switzerland in a programme for the Union's action in the field of health.